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UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

BMG MUSIC d/b/a J RECORDS,

Plaintiff,

v.

J7 RECORDS, INC.,

Defendant.

Case No. 07 Civ. 6076 (MGC)

JOINT RULE 26(f)
CONFERENCE REPORT

Plaintiff BMG Music d/b/a J Records and Defendant J7 Records, Inc. (collectively, the “Parties”), by and through their undersigned counsel, having met and conferred pursuant to Federal Rule of Civil Procedure 26(f) on September 7, 2007, submit the following Joint Rule 26(f) Report:

I. Rule 26(f)(1) – Timing, Form or Requirement of Disclosures Under Rule 26(a)

The Parties do not believe any changes should be made to the form or requirement for initial disclosures under Rule 26(a)(1) and will exchange such disclosures on October 5, 2007.

The parties propose to exchange expert disclosures under Federal Rule of Civil Procedure 26(a)(2) in accordance with the schedule set forth in Section II, below.

Pursuant to the Court's Individual Rules and Practices the parties will disclose all trial witnesses no later than fifteen (15) days before the close of discovery and include all other pretrial disclosures under Federal Rule of Civil Procedure 26(a)(3) in the Joint Pretrial Order.

II. Rule 26(f)(2) – Subjects of Discovery and Discovery Schedule

The Parties intend to seek discovery regarding all matters, not privileged, that are relevant to the claims and/or defenses of the Parties. The Parties respectfully propose the following discovery schedule:

Close of Fact Discovery:	March 18, 2008
Exchange Expert Reports:	April 18, 2008
Exchange Rebuttal Expert Reports:	May 18, 2008
Close of Expert Discovery:	June 18, 2008

III. Rule 26(f)(3) – Issues Relating to Discovery of Electronically Stored Information

The parties agree that paper copies and PDF files of electronically stored information generally shall be considered “forms that are reasonably usable” under Federal Rule of Civil Procedure 34(b)(ii), provided, however, that if either party believes a particular item of electronically stored information should be produced in a format other than paper or PDF file, the Parties will promptly meet and confer in an effort to resolve the issue.

IV. Rule 26(f)(4) – Issues Relating to Claims of Privilege and Protection of Trial-Preparation Material

The Parties agree that if a party discovers that it has inadvertently produced documents or materials that otherwise would be subject to the attorney-client privilege or constitute “trial preparation material” under Federal Rule of Civil Procedure 26(b)(3), the producing party shall

advise the receiving party in writing and request that the documents or materials be returned. If the receiving party discovers the inadvertent production of privileged documents or materials before being notified of such inadvertent production by the producing party, it shall promptly notify the producing party at which time the producing party may request, in writing, that the documents or materials be returned.

Upon receipt of a written request to return inadvertently produced documents or materials under the preceding paragraph, the receiving party shall not be permitted to assert that the inadvertent disclosure resulted in a waiver of any privilege or immunity and shall return or destroy the documents or materials and all copies and derivations in its possession, within five (5) business days of receiving such written request. The producing party will reimburse the receiving party for any costs (but not attorneys' fees) that the receiving party reasonably incurs in returning, excising or destroying such documents or materials.

V. Rule 26(f)(5) – Limitations on Discovery Imposed Under the Federal Rules of Civil Procedure or Under the Local Rules of this Court

The Parties currently do not anticipate that they will seek any changes to the limitations on discovery imposed by the Federal Rules of Civil Procedure or the Local Rules of this Court, but reserve their respective rights to request appropriate changes should the need arise.

VI. Rule 26(f)(6) – Other Orders Under Rule 26(c) or Under Rule 16(b) and (c)

The Parties are negotiating and intend to submit for the Court's review a proposed protective order that addresses the treatment of any confidential commercial information that may be disclosed in this action.

The parties also propose the following deadlines in accordance with the Court's Form Case Management Order:

Joinder of Additional Parties:

March 18, 2008

Amending the Pleadings:

July 1, 2008

All Other Motions (other than for summary judgment):

July 1, 2008

Dated: New York, New York
September 21, 2007

Respectfully submitted,

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